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Chair: Mr. Berger ..... (Germany)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Kelapile

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The meeting was called to order at 3.10 p.m.

Agenda item 130: Programme budget for the biennium 2012-2013 (*continued*)

Revised estimates resulting from the decisions contained in the outcome document of the United Nations Conference on Sustainable Development (A/67/591 and A/67/641)

Revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions (A/67/607 and A/67/647)

Request for a subvention to the Special Court for Sierra Leone (A/67/606 and A/67/648)

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Contingency fund: Consolidated statement of programme budget implications and revised estimates (A/67/650; A/C.5/67/15)

1. **Mr. Huisman** (Director, Programme Planning and Budget Division), introducing the report of the Secretary-General on the revised estimates resulting from the decisions contained in the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want" (A/67/591), said that the additional requirements resulting from those decisions were estimated at $8,766,300 for the programme budget for the biennium 2012-2013, under section 2, General Assembly and Economic and Social Council affairs and conference management; section 9, Economic and social affairs; section 18, Economic and social development in Africa; section 19, Economic and social development in Asia and the Pacific; section 21, Economic and social development in Latin America and the Caribbean; section 22, Economic and social development in Western Asia; section 29D, Office of Central Support Services; and section 37, Staff assessment. Moreover, an additional amount of $10,373,400 under those budget sections would be required for the biennium 2014-2015 and would be considered in the context of the proposed programme budget for that biennium.

2. Turning to the report of the Secretary-General on revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions (A/67/607), he noted that the General Assembly, in its resolutions 63/263 and 65/281, had endorsed the conclusion of the Advisory Committee on Administrative and Budgetary Questions on the merit of an annual presentation of the revised estimates arising from the resolutions and decisions of the Human Rights Council, including those emanating from the Council's September session. The total budgetary requirements arising from the recent Council resolutions were estimated at $13,605,300 for the biennium 2012-2013. Of those requirements, the amount of $3,066,900 related to activities of a perennial nature that had been included in the programme budget for the biennium 2012-2013; $3,076,600 was to be financed through the redeployment of existing resources; and $7,461,800 represented additional requirements for the biennium 2012-2013 under section 2, General Assembly and Economic and Social Council affairs and conference management; section 24, Human rights; and section 29E, Administration, Geneva. It was proposed that the additional requirements should be financed from additional appropriations in the context of the contingency fund for the biennium 2012-2013.

3. With regard to additional requirements resulting from Human Rights Council resolution 19/22, entitled "Human rights situation in the Syrian Arab Republic", the concurrence of the Advisory Committee with regard to entering into commitments of $2,100,100 under provisions of General Assembly resolution 66/249, on unforeseen and extraordinary expenses, had been sought and received in April 2012. The related expenditures had been reported separately in the context of the Secretary-General's first performance report on the programme budget for the biennium 2012-2013 (A/67/592).

4. The report of the Secretary-General on the request for a subvention to the Special Court for Sierra Leone (A/67/606) had been prepared following an exchange of letters between the Secretary-General and the President of the Security Council in November 2012 (S/2012/891 and S/2012/892). The report set out the difficulties faced by the Special Court and the overall level of resources required for the Special Court's activities for 2012 and 2013, and included a request for a subvention of $14 million to supplement the voluntary contributions received and pledges yet to be collected by the Court. In its resolution 66/247, the

General Assembly had authorized the Secretary-General to enter into commitments in an amount not to exceed $9,066,400 for the subvention to the Special Court for the period from 1 January to 31 July 2012. At the request of the Special Court, the General Assembly had extended the implementation period of that subvention beyond 31 July 2012. The current level of available voluntary contributions was not sufficient to cover the Special Court's operations beyond the first week of December 2012. It was anticipated that at least $921,156 would be required for the Court's operations up to the end of 2012. In addition, it was estimated that $13.1 million would be required for the Court's operation in 2013.

5. Introducing the statement of the Secretary-General on the programme budget implications of draft resolution A/C.1/67/L.11 on the arms trade treaty (A/C.5/67/13), he noted that, under paragraph 2 of the draft resolution, the General Assembly would decide to convene in New York from 18 to 28 March 2013 the Final United Nations Conference on the Arms Trade Treaty in order to finalize the treaty's elaboration in an open and transparent manner. Under paragraph 5 of the draft resolution, the General Assembly would request the President-designate to undertake consultations on the basis of the draft text of the treaty prior to the 2013 Conference.

6. Should the draft resolution be adopted, additional resources of $563,800 would be required for the biennium 2012-2013 under section 2, General Assembly and Economic and Social Council affairs and conference management; section 4, Disarmament; and section 29D, Office of Central Support Services. That amount would represent a charge against the contingency fund and, as such, would require an additional appropriation for the biennium 2012-2013 to be approved by the General Assembly.

7. Introducing the report of the Secretary-General on the consolidated statement of programme budget implications and revised estimates in relation to the contingency fund (A/C.5/67/15), which had been prepared in accordance with the guidelines contained in the annex to General Assembly resolution 42/211, he recalled that in its resolution 66/247, the General Assembly had approved charges in the amount of $26.7 million, leaving a balance of $13.8 million available in the fund. Taking into account the recommendations of the Advisory Committee at the time of reporting, the potential charges against the contingency fund would amount to $19.7 million, a sum that exceeded the remaining balance by $5.9 million. Since the issuance of the statement, the Advisory Committee had issued several reports on programme budget implications relating to the Committee against Torture and the arms trade treaty and on the revised estimates resulting from resolutions and decisions of the Human Rights Council and from the outcome document of the United Nations Conference on Sustainable Development (Rio+20). Taking those more recent recommendations into account, the potential charges would amount to $17.7 million, which would exceed the remaining balance of the contingency fund by $3.9 million.

8. The magnitude of the additional requirements resulting from new and expanded mandates did not allow for full absorption of those requirements within existing resources, despite concerted efforts, including a review of expenditures to date. He recalled that, during its consideration of the proposed programme budget for 1994-1995, the Committee for Programme and Coordination had questioned the usefulness of designating high or low priorities at the level of output or activity and had recommended that that practice should be discontinued. The General Assembly had subsequently endorsed that recommendation in its resolution 48/228, thus removing the identification of high- and low-priority programme elements from the format of the programme budget.

9. As the current budget format no longer contained priority-setting information approved by Member States, alternative options for the reduction or reallocation of resources between high- and low-priority mandated programme elements, including the deferral, termination and curtailment of mandated activities, would require General Assembly approval. Therefore, the General Assembly was requested to consider the potential charges related to new and expanded mandates against the contingency fund, as outlined in the report, subject to its further review of the respective proposals and related recommendations of the Advisory Committee.

10. **Mr. Kelapile** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the Advisory Committee's report on revised estimates resulting from the decisions contained in the outcome document of the United Nations Conference on Sustainable Development (A/67/641), stated that the Advisory Committee recommended approval of the proposals for 2013

relating to the outcome of the Conference, while encouraging the Secretary-General to make every effort to implement additional activities within existing capacity. The Advisory Committee would comment on the requirements for the next biennium when it considered the proposed programme budget for 2014-2015.

11. The outcome of the Conference would have far-reaching implications for the work of the Organization, supplanting its existing institutional, normative and structural framework in the area of sustainable development through a years-long process. The Advisory Committee welcomed the emphasis placed in the outcome document on the need to promote synergies and coherence, to avoid duplication and eliminate unnecessary overlaps within the United Nations system, and to reduce administrative burdens and build on existing arrangements. The Advisory Committee recommended that the General Assembly should request the Secretary-General to provide in future reports an update on the strategies and measures envisaged to achieve synergies and efficiency gains. Given the complexity of the initiative, the Advisory Committee also recommended that the General Assembly should request the Secretary-General to enhance the information available to the Assembly for decision-making on those proposals.

12. Introducing the Advisory Committee's report on the revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its nineteenth, twentieth and twenty-first sessions (A/67/647), he noted that the Secretary-General proposed to absorb additional requirements in the amount of $3,076,600 for 2012-2013 within existing resources appropriated for the biennium, and to accommodate additional requirements of $7,461,800 from additional appropriations in the context of the contingency fund for the biennium 2012-2013. The Advisory Committee recommended approval of the Secretary-General's proposals, while advising that its observations and recommendations should be taken into account.

13. The presentation of proposals for additional requirements for implementation of new mandates should include a clear analysis of actual expenditures in respect of similar activities and the current status of expenditure under the affected budget sections. In addition, the Advisory Committee reiterated its view that, before resorting to the contingency fund, the Secretary-General should explore whether relatively small amounts for activities of a shorter duration could be absorbed from within the programme budget. The Secretary-General's approach to the financing of additional requirements was inconsistent. In that regard, there was a need for clear criteria in determining the financing of the revised estimates resulting from the resolutions and decisions of the Council, whether from additional appropriations through the contingency fund or from within existing resources.

14. Regarding the adoption of Human Rights Council resolution 19/11, on the rights of persons with disabilities: participation in political and public life, the Advisory Committee recommended that the General Assembly should request the Secretary-General to ensure that content on all United Nations websites was fully accessible to persons with disabilities, and to report thereon in the context of the proposed programme budget for the biennium 2014-2015.

15. Introducing the Advisory Committee's report on the request for a subvention to the Special Court for Sierra Leone (A/67/648), he noted that despite its fundraising efforts, the Special Court had not been able to secure sufficient funding from voluntary contributions for the completion of its work. Bearing in mind the importance of the Special Court's activities, the Advisory Committee recommended approval of a subvention of $14 million for the period up to 31 December 2013 to enable the Court to complete the Charles Taylor trial. Given the fundraising challenges encountered by the Special Court, the Advisory Committee was concerned about the sustainability of voluntary contributions to finance the activities of the Residual Special Court for Sierra Leone. In that regard, the Committee recommended that the Secretary-General should be requested to analyse lessons learned from the Special Court's experience and to examine alternative means of financing the activities of the Residual Court.

16. Turning to the Advisory Committee's report on the programme budget implications of draft resolution A/C.1/67/L.11 on the arms trade treaty (A/67/649), he noted that, subject to the comments and recommendations contained in paragraphs 7, 8 and 12 of the report, the Advisory Committee recommended that the Fifth Committee should inform the General Assembly that, should it adopt draft resolution

A/C.1/67/L.11, additional requirements of $89,000 under section 4 would arise under the programme budget for the biennium 2012-2013. That would represent a charge against the contingency fund and, as such, would require appropriation for the biennium.

17. With respect to the additional resources requested under section 2, General Assembly and Economic and Social Council affairs and conference management and section 29D, Office of Central Support Services, the Advisory Committee recommended that the General Assembly should request the Secretary-General to make every effort to absorb the additional requirements, failing which the additional expenditures should be reflected in the context of the second performance report for the biennium 2012-2013.

18. Lastly, introducing the Advisory Committee's report on the consolidated statement of programme budget implications and revised estimates relating to the contingency fund (A/67/650), he recalled that, as noted in the Secretary-General's related report, the remaining balance of the fund for the biennium 2012-2013 was $13,762,500 and the potential charges would amount to $19,741,800. The relevant recommendations of the Advisory Committee would result in a reduction of the new charges to $17,685,400. Accordingly, should the Assembly approve the appropriation, there would be a shortfall of $3,922,900 in the contingency fund. The General Assembly could consider the potential charges related to new and expanded mandates against the fund and offer appropriate guidance to the Secretary-General.

19. The Advisory Committee recalled its previous observation that, while additional resource requirements must be considered and it was not always possible to fit new initiatives within the biennial cycle of the regular budget, it was the responsibility of the Secretary-General to ensure that the proposed programme budget presented the fullest possible picture of the Organization's requirements for any given biennium. The Secretary-General should be requested to analyse the way in which the contingency fund had been utilized in 2012-2013; the projected shortfall might not constitute a long-term trend, but rather an exceptionally high level of legislative activity for the period. The Advisory Committee stressed the need to adhere to the provisions of General Assembly resolutions 41/213 and 42/211 on the use of the contingency fund. In the event of any constraints faced, the Advisory Committee believed that the Secretary-General should bring the problems encountered to the attention of the General Assembly in a timely manner.

20. **Mr. Mihoubi** (Algeria), speaking on behalf of the Group of 77 and China, said that Rio+20 had been a seminal moment for the multilateral system. Its outcome document enshrined the international community's bold commitment to freeing humanity from poverty and hunger as a matter of urgency, as well as its commitment to promoting sustained and inclusive economic growth, social development and environmental protection. Those objectives reflected the principles set out in the 1964 Joint Declaration of the Seventy-seven Developing Countries.

21. The central role of the United Nations in achieving a just, equitable and inclusive world was evident in the new mandates conferred upon the Organization by the Rio+20 outcome document, as contained in General Assembly resolution 66/288. The Secretary-General had requested the General Assembly to approve additional appropriations in the amount of $8,766,300 to finance the mandates emanating from Rio+20 in the current biennium and had presented the resource requirements for the 2014-2015 biennium. The Advisory Committee had wisely endorsed those requests; the Group was convinced that the proposed resources were essential to taking forward the Rio+20 agenda.

22. He drew attention to the revised estimates and statements of programme budget implications that had recently been submitted to the Fifth Committee. The Group's long-standing position was that the level of resources approved by the General Assembly must be commensurate with all mandated programmes and activities, in order to ensure their full and effective implementation. In that regard, it was regrettable that some of the Advisory Committee's recommendations appeared to jeopardize the Organization's ability to effectively implement intergovernmental mandates. The Group would carefully examine each of the documents and seek to contribute to the Committee's effective discharge of its responsibility for ensuring adequate financing for the Organization's activities.

23. **Mr. Coffi** (Côte d'Ivoire), speaking on behalf of the Group of African States, recalled that by its resolution 1315 (2000), the Security Council had requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court with the objective

of prosecuting persons who bore the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone. Consequently, on 16 January 2002 the United Nations and the Government of Sierra Leone had signed an agreement on the establishment of the Special Court for Sierra Leone. Under article 6 of that agreement, if voluntary contributions were insufficient for the Court to implement its mandate, the Secretary-General and the Security Council were to explore alternate means of financing the Special Court.

24. The Group valued the constructive work carried out by the Special Court and commended the significant progress made in the implementation of its mandate. Although the Special Court had held 95 fundraising meetings and sent 154 fundraising letters in 2012, it had not been able secure sufficient voluntary contributions to complete its mandate. The Group was concerned at the real possibility that the Special Court would run out of funds and be prevented from completing its mandate, including the appeal in its final case. That situation was unacceptable. Member States must take collective action to ensure that the Special Court was able to implement its mandate in full and without delay.

25. The Special Court would experience a shortfall in contributions in the amount of $921,156 as at the end of 2012, while requirements for 2013 were estimated at $13,078,844. With a view to avoiding a potential collapse of the Court's operation, the Secretary-General was requesting a subvention in the amount of $14,000,000 for the completion of the Special Court's activities for the period ending 31 December 2013. The Group strongly supported that request and would urge quick adoption of a decision to provide the required resources to enable the Court to complete its judicial proceedings in accordance with its mandate.

Agenda item 153: Financing of the United Nations Integrated Mission in Timor-Leste (A/67/618 and A/67/638)

26. **Mr. Curry** (Director, Peacekeeping Financing Division), introducing the note by the Secretary-General on financing arrangements for the United Nations Integrated Mission in Timor-Leste (UNMIT) for the period from 1 July 2012 to 30 June 2013 (A/67/618), recalled that by its resolution 66/270, the General Assembly had appropriated $162.2 million for UNMIT for the 2012/13 period, which included $155.4 million for maintenance of the Mission, $6.4 million for the support account for peacekeeping operations and $0.4 million for the United Nations Logistics Base at Brindisi. The General Assembly had assessed on Member States $78.4 million for the period from 1 July to 31 December 2012, which included $75 million for maintenance of the Mission, $3.2 million for the support account and $0.2 million for the Logistics Base. Projected expenditures for the maintenance of the Mission for the period from 1 July to 31 December 2012 were estimated at $86.6 million, a sum that was $11.6 million greater than the amount assessed for that period, owing to the drawdown of the Mission.

27. By its resolution 66/270, the General Assembly had also decided to assess $84 million for the period from 1 January to 30 June 2013, subject to a decision by the Security Council to extend the UNMIT mandate. The Secretary-General, in his 2012 report to the Security Council on UNMIT (S/2012/765), had recommended that the Mission should continue with its phased drawdown until the completion of its mandate on 31 December 2012; the Mission concurred with that recommendation, as noted in the report of the Security Council's November 2012 mission to Timor-Leste (S/2012/889). Requirements for the liquidation activities anticipated from 1 January to 30 April 2013, subject to a decision of the Security Council, were estimated at $10.1 million.

28. Should the Security Council decide not to extend the UNMIT mandate beyond 31 December 2012, the cost of the drawdown and administrative liquidation would be absorbed within the resources approved by resolution 66/270. Given that requirements had been assessed only up to 31 December 2012, and pending the issuance and approval of a revised budget subject to a decision by the Security Council, an additional assessment of $25,076,250 was being requested within the approved appropriation in order to fund the Mission's operations. The actions to be taken by the General Assembly in respect of the financing of UNMIT were set out in paragraph 13 of the note by the Secretary-General.

29. **Mr. Kelapile** (Chairman of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee (A/67/638), said that the Advisory Committee recommended approval of an

additional assessment of the amount of $11,590,700 gross ($11,175,800 net) for the maintenance of the Mission for the period from 1 July to 31 December 2012. It further recommended approval of an assessment of the amount of $10,094,000 gross ($9,657,100 net) for the period from 1 January to 30 April 2013 for the anticipated administrative liquidation of the Mission, subject to a decision by the Security Council, and an assessment of the amount of $3,215,950 gross ($2,893,350 net) for the support account for peacekeeping operations and $175,600 gross ($107,350 net) for the United Nations Logistics Base for the period from 1 January to 30 June 2013.

Expression of farewell to the Chairman of the Advisory Committee on Administrative and Budgetary Questions

30. **The Chair** noted that the meeting was the last time Mr. Kelapile would be present before the Committee in his capacity as Chairman of the Advisory Committee. He thanked Mr. Kelapile for his years of dedicated service and expressed the Committee's best wishes for his future endeavours.

31. **Mr. Coffi** (Côte d'Ivoire), speaking on behalf of the Group of African States, and **Mr. Van Den Akker** (Observer for the European Union) also thanked Mr. Kelapile, highlighting his personal commitment to the work of the Advisory Committee and his unwavering dedication to the spirit of consensus.

32. **Mr. Kelapile** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) thanked the members of the Fifth Committee and the Secretariat for their support.

The meeting rose at 4.05 p.m.